

STATUTORY INSTRUMENTS

1996 No. 3158

The Licensing (Northern Ireland) Order 1996

[^{F1}PART 5A

PAVEMENT CAFE AREAS

[^{F1}Pavement café area where consumption permitted: hours, conduct etc.]

F1 Pt. 5A inserted (1.10.2016) by [Licensing of Pavement Cafes Act \(Northern Ireland\) 2014 \(c. 9\)](#), s. 32(1), [Sch. para. 2](#); S.R. 2016/126, art. 2

76C.—(1) This Article applies where—

- (a) a pavement café area is associated with premises for which a licence is in force;
- (b) those premises are—
 - (i) premises of a kind mentioned in Article 5(1)(a);
 - (ii) a hotel;
 - (iii) a guest house in which the business of a restaurant is carried on;
 - (iv) a restaurant; or
 - (v) a refreshment room in public transport premises; and
- (c) the pavement café licence relating to the pavement café area does not include a condition requiring the licence holder not to permit persons to consume intoxicating liquor when using furniture on that area.

(2) For the purposes of the provisions mentioned in paragraph (3), the pavement café area is to be treated as part of the licensed premises with which it is associated.

(3) Those provisions are—

Article 41(1)(a)(ii), (c) and (d);

in Article 46—

- (a) any reference in paragraph (1)(a) to consumption in the premises;
- (b) the reference in paragraph (1)(b) to taking liquor from the premises;

Article 57A;

Article 60(1)(b) and (d)(i);

Articles 61 to 65;

in Article 69J(2), the reference to the premises;

Articles 73 and 74; and

Article 82.

Changes to legislation: *The Licensing (Northern Ireland) Order 1996, Cross Heading: Pavement café area where consumption permitted: hours, conduct etc. is up to date with all changes known to be in force on or before 27 July 2023. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (4) If the premises are of a kind mentioned in Article 5(1)(a), the pavement café area is also to be treated as part of the premises for the purposes of—
- (a) any reference in Article 43(2), 50(1) or 58(1)(a) to consumption off the premises or to consumption in the premises; and
 - (b) where there is a condition under Article 43(2) in relation to the premises, any reference in that condition to consumption in the premises.
- (5) If the premises are a hotel, the pavement café area is also to be treated as part of the premises for the purposes of the reference in Article 50(1) to consumption off the premises.]

Changes to legislation:

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[View outstanding changes](#)

Changes and effects yet to be applied to the whole Order associated Parts and Chapters:

Whole provisions yet to be inserted into this Order (including any effects on those provisions):

- [art. 57B](#) inserted by [2011 c. 18 \(N.I.\) s. 5](#)